



COPY OF PAPERS
--ORIGINALLY FILED

RECEIVED

FEB 28 2002

Docket No: 56217USA9A.002

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TC 2800 MAIL ROOM

In re Application of:

Michael Albert Haase

Serial No.: 09/736,117

Filed: December 13, 2000

Group Art Unit: 2875

Examiner: J. Ward

For: LASER POINTER WITH MULTIPLE COLOR BEAMS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

February 7, 2002

Date

Signature

Philip Y. Dahl

REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This Reply follows the Office Action dated November 7, 2001.

Remarks

Claims 1-24 are pending.

§ 103 Rejections

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,238,119 (Lin) taken alone. Applicants respectfully traverse.

The cited prior art does not teach or suggest all the claim limitations of the rejected claims, and therefore, no prima facie case of obviousness has been made. MPEP 2143.03.

Lin discloses a writing instrument, a pen. The Lin pen includes two "light emitters" which may be LED's (Lin at col. 2, lines 30-31). The pen also includes a "transparent distal cover" (22), which includes curved refractive surfaces, light diffusing structures, or both. (Lin at col. 2, lines 42-50 and Figs. 1-7).

Lin does not teach or suggest the use of laser diodes. Lin does not teach or suggest the use of any laser elements. Furthermore, Lin does not teach or suggest the use of collimating

Car 2875

Handwritten notes: #3, 2875, 2/16/02, 2875

optics appropriate to the use of laser elements. To the contrary, Lin discloses the use of a "transparent distal cover" which includes refractive surfaces, light diffusing structures, or both.

In addition, as the Office Action states, Lin "does not teach or suggest that the weight of the pens to be 450 grams or less." The Office Action asserts that, "it would have been a matter of design choice to construct the pen to be of a weight of less than or equal to 450 grams since it is old and well known in the art that pens are light weight and easily carried in one pocket or purse." The analogy to a pen is inappropriate, since the present invention concerns laser pointers and pens are not laser pointers or laser devices. The Office Action does not argue at any point that it is obvious to provide a lightweight device containing two working lasers.

No other reference is cited to teach or suggest the missing claim limitations. Therefore, no prima facie case of obviousness has been made. MPEP 2143.03.

The rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Lin, taken alone, has been overcome and should be withdrawn.

Claims 4-24 each add additional features to claims 1, 2 and 3. Claims 1, 2 and 3 are patentable for the reasons given above. Thus, claims 4-24 are likewise be patentable. In addition, Lin fails to teach or suggest the following claim limitations appearing in claims 4-24: that no more than one laser element may be actuated at one time, that the two laser elements emit collimated beams which are substantially parallel, that at least one of the laser elements is a green-emitting II-VI semiconductor laser diode, and that at least one of the laser elements is a red-emitting III-V semiconductor laser diode.


In summary, the rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Lin, taken alone, has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1-24 at an early date is solicited.

Registration Number 36,115	Telephone Number 651-737-4029
Date February 7, 2002	

Respectfully submitted,

By


Philip Y. Dahl

Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Facsimile: (651) 736-3833